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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,625	06/11/1999	JOEL G HASSELL	UV-110	3146

7590 06/08/2006

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/332,625	Applicant(s) HASSELL ET AL.	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53,57-108 and 112-164* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42,46-48,50,52-53, 97,99,101-103,105,107-108, 151-153,155,157-159 and 161* is/are rejected.

7)☒ Claim(s) *43,45,49,51,98,100,104,106,154,156,160 and 162* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/16/2006 have been fully considered but they are not persuasive.

In view of the Schein reference and the previous Attorney Interview dated 2/22/2006, Applicant's representative stressed that the while one set of program guide data is received from a continuous data stream processor, that another subset is received from the program guide server, therefore providing program guide data from two separate sources. However, according to Applicant's specification in Figure 1, the continuous data processor (commonly known in the art as a data carousel) and the program guide server are both located at the distribution facility/headend, therefore the program guide data would be transmitted over the same distribution path, and therefore both sets of program guide data would be transmitted in the continuous data stream transmitted by distribution equipment 21. Further note Pages 14-15 clearly state that the program guide server and continuous data stream processor may be combined as one unit, and also states that the continuous data stream processor may be supplied program guide data from the program guide server.

With these teachings in mind, note that in claim 1 that the continuous data stream processor is configured to select from the program guide data the subset of current program guide data for inclusion in a continuous data stream. In regards to the Schein reference, the examiner recognizes these limitations to read on the carousel,

which selects a subset of electronic program guide data for a 3 hour time period (see Column 12, Lines 28-39).

Further, claim 1 states that the program guide data other than the subset of current program guide data from the program guide server in response to requests generated by the interactive television program guide. As stated above, in the previous Attorney Interview the examiner was informed that the program guide server is transmitting the program guide data over a different distribution path, therefore a different continuous data stream, however, the claim limitations do not address these features. In the specification (as noted above) the program guide server stores all of the program guide data, which is similar to Schein's teaching of a program guide being supplied by a program guide server provided by StarSight (see Column 6, Lines 66-67) and a database populated with the program guide information (see Column 11, Line 60 through Column 12, Line 31).

Therefore, by the teachings of Schein, it is clear that an entire database (program guide server) is stored at the distribution facility and when a certain block of data needs to be transmitted, a current block of program guide data is transmitted that represents programs that are being broadcasted at the current time plus three hours. Additionally, Schein further teaches that another subset of program guide data, other than the current program guide block, is transmitted only if the user scrolls past 3 hours, or even 3 days, past the current program guide block. Since the program guide server stores all of the program guide data, the carousel transmits any guide data received from the program guide server for the requested time block, thereby transmitting different

program guide blocks for different time periods based on requests made by the user. The claims limitations do not recite that the program guide data must be transmitted and received in two different continuous data streams and in relation to the teachings of Schein, nor do the claims teach away from any communication taking place between the program guide server and the continuous data stream processor, therefore Schein teaches the an equivalent system where a program guide server stores all of the program guide data and the a continuous data stream processor (the carousel) transmits the subsets of program guide data based on which time block of program guide data the viewer requests to view. Further note that the claims themselves support this interpretation (see claim 15 of the instant application).

Therefore, the examiner holds the previous rejections in view of Schein under 102(e).

In regards to claim 41 and all related independent and dependent claims previously rejected, the examiner has found a more appropriate reference for the monitoring of unique identifiers and performing a real-time action in accordance of the detection of the unique identifier, when the unique identifier is received when the program is currently being broadcasted. Therefore, the Watts reference will be applied with the Schein reference in the rejections of claim 41 and all related independent and dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7, 13, 15, 17-40, 57-58, 63, 69, 71, 73-95, 112-113, 118, 124, 126, and 128-151 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schein et al. (U.S. Patent No. 6,002,394).

Referring to claim 1, Schein discloses an interactive program guide system in which program guide data is provided (see Column 6, Line 66 through Column 7, Line 9 for receiving program guide data from an EPG provider such as StarSight) and wherein a subset of the program guide data is current program guide data (see Column 12, Lines 28-31 for receiving program guide data in 3 hour blocks and Column 12, Lines 47-49 for accessing a set of current program guide data that has been received and loaded into memory, therefore, a subset of the program guide data received (in a 3 hour block) is current because it represents the program guide data for the television programs that are displayed at a current time that the user is accessing the EPG). The examiner notes that the limitation current program guide data is the program guide data that has been received and loaded into memory and that the subset represents the current 3-hour block that has been received and loaded into memory.

Schein discloses a continuous data stream processor configured to select from the program guide data the subset of current program guide data for inclusion in a continuous data stream (see Column 12, Lines 27-39 for simultaneously transmitting the program guide data (current and future) in blocks on different transmission bands from a cable television headend (Column 12, Lines 61-63) and contains a continuous data stream processor (modulator taught at Column 12, Lines 31-32) used to select the current and future program guide data blocks that are transmitted to the viewer). The examiner notes that system must determine what the current time must be, in order to transmit (select) the current and future program guide blocks that relate to the proper time (for example, if the current day is Tuesday and the system must receive current program guide data for Tuesday, the continuous data stream processor must know to send Tuesday's program guide data and not Wednesday's program guide data. The examiner notes that because of the broad claim limitations, that alternatively, the limitations could read on the set top box circuitry used to select a current or future block of program guide data to be displayed on the viewer's EPG, which causes the set top box to select the current or future program guide data from the carousel (see Column 12, Lines 49-60).

Schein also discloses distribution equipment configured to exclusively distribute the subset of current program guide data in the continuous data stream to the user television equipment (see satellite 24 in Figure 1 and headend (Column 12, Lines 61-63) and Column 12, Lines 38-40 for how the satellite is used for transmitting EPG data in a carousel or endless loop (continuous data stream)).

Schein also discloses a program guide server (see Server 350 in Figure 14, or EPG database 408 in Figure 15).

Schein also discloses an interactive television program guide implemented on user television equipment (see Figure 16A).

Schein also discloses obtaining a subset of current program guide data directly from the continuous data stream (see Column 12, Lines 20-36 for receiving current program guide blocks and Column 12, Lines 47-49 for accessing the current EPG data blocks by the viewer) for inclusion in program guide displays (see again Figure 16A for displaying the program guide data) on the user television equipment (see PC TV 402 in Figure 15).

Schein also discloses obtaining program guide data other than the subset of current program guide data from the program guide server in response to requests generated by the interactive television program guide (see Column 12, Lines 47-60 for the viewer making request for a future block of program guide data and obtaining program guide data other than the subset of current program guide data (the future block of program guide data) in response to requests by the user actuating the electronic television program guide). **Further note the arguments above for receiving the program guide blocks from the continuous data stream processor and the program guide server, in regards to the Applicant's arguments**.

Referring to claim 2, Schein discloses that the current program guide data contains one or more unique identifiers (see Column 6, Line 66 through Column 7, Line 9 for receiving EPG data, which contains unique identifiers and Figures 4-9 for the

different types of EPG data (and unique identifiers, such as title or start time) that can be received).

Schein also discloses that the interactive program guide is configured to perform a real-time action when a particular unique identifier is in the continuous data stream (see Column 15, Lines 58-66 for the user setting a reminder (real-time action) for a program using the interactive program guide, which can only be performed if the viewer receives the unique identifiers (EPG data) that is displayed in the viewer's program guide).

Referring to claim 7, Schein discloses recording a program (see Column 13, Line 11). Schein also discloses recording the program when a identifier is in the continuous data stream (note that the identifier can be program guide data transmitted from the headend as disclosed at Column 7, Lines 24-31, therefore since a program is being recorded from selection in the program guide, then Schein is recording the program based on the identifier sent in the form of program guide data sent in the data stream transmitted from the headend).

Referring to claim 13, see rejection of claim 7. Note that "one or more of the one or more identifiers is a program grouping identifier" is equivalent to one identifier, therefore analogous to the limitations in claim 7.

Referring to claim 15, Schein discloses that the data stream processor obtains current program guide data from the program guide server (see Figures 14-15 and Column 18, Lines 20-27 and 44-54).

Referring to claim 17, Schein discloses processing program guide data in real-time with no data caching (see Column 2, Lines 45-49).

Referring to claim 18, Schein discloses filtering circuitry at the user television equipment for filtering program guide data from the data stream based on a tag (see element 3 in Figure 3 and Column 7, Lines 36-39).

Referring to claims 19-20, Schein discloses prefetching program guide data from the data stream and the program guide server (see Column 12, Lines 28-32). Note that the data is transmitted in band, therefore must be retrieved from the data stream, and that the user requests program guide data (see Column 13, Lines 8-13).

Referring to claim 21, Schein discloses that the program guide invokes a remote procedure call (makes a request from the remote) from the program guide server (see Column 18, Lines 44-54). Schein also discloses receiving information in response to the request (see again, Column 18, Lines 44-54)

Referring to claim 22, see rejection of claim 21 and note that an object request broker is simply a request, the claim provides no further limitations that describe the broker.

Referring to claim 23, see rejection of claim 21, and note that the schedule guide that the user is requesting data from (via a server) will display favorite programs, therefore, configuration data is inherently present to define the list of program that will be displayed in the program guide (see Column 18, Lines 54-61).

Referring to claim 24, see rejection of claim 23 and note that favorite programs are user defined (settings).

Referring to claims 25-26, Schein discloses recognizing what type of data is in the data stream (see Column 7, Lines 24-35). Also see Column 18, Lines 44-54 for receiving data from the program guide server.

Referring to claims 27-28, see the Casablanca example at Column 15, Lines 6-42 of Schein for obtaining program guide data for a program of a particular category.

Referring to claim 29, Schein discloses obtaining program guide data from the data stream when the user changes the channels (see Column 13, Lines 8-17).

Referring to claim 30, Schein discloses obtaining program guide data from the data stream when a user indicates a desire to browse program listings data in a current time slot (see Figures 16A-16B for obtaining HBO programs for a current time slot (Monday, December 18th)). Note again, at Column 18, Lines 44-54 that when a user makes a request, the information is retrieved from a server, and information sent from a server in a television broadcast environment, inherently send a data stream to the client for extraction of the requested data to the client.

Referring to claims 31-32, see again Figures 14 and 15 of Schein for a server sending a data stream to a client upon request (see also Column 18, Lines 20-67).

Referring to claim 33, see Column 12, Lines 28-32 for periodically receiving program guide data in 3 hour programming blocks.

Referring to claims 34-35, see rejection of claim 1 and note that at Column 18, Lines 20-28 for the server 350 polling database 370 for files to transmit to the client.

Referring to claim 36, Schein discloses a main facility (see more than one server 350 in Figure 14 and Television Guide Database 408 in Figure 15) for providing a data

stream of current program guide data (see Column 4, Lines 29-32). Note that the client uses the program guide provided from the database 408; therefore the data stream sent from the distribution equipment (see rejection of claim 1), is the same sent from the distribution equipment.

Referring to claim 37, Schein discloses that the data stream processor is configured to select current program guide data from programmer provided in-band information (see Column 12, Lines 28-32).

Referring to claims 38-39, Schein discloses providing the viewer's local cable line-up (see Column 18, Lines 52-54).

Referring to claim 40, see rejection of claim 1.

Referring to claim 57, see the rejection of claim 1.

Referring to claims 58, 63 and 69, see rejection of claims 2, 7 and 13, respectively.

Referring to claim 71, see the rejection of claim 15.

Referring to claims 73-95, see rejection of claims 17-40, respectively.

Referring to claim 112, see the rejection of claim 1.

Referring to claim 113, 118 and 124, see rejection of claim 2, 7 and 13, respectively.

Referring to claim 126, see rejection of claim 15.

Referring to claims 128-151, see rejection of claims 17-40, respectively.

Claim R jections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3-4, 9-10, 59-60, 65-66, 114-115 and 120-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Lawler et al. (U.S. Patent No. 5,699,107).

Referring to claim 3, Schein discloses all of the limitations in claim 2, as well as setting a reminder to view a future television program (see Column 15, Lines 58-66), but fails to teaches the actual display of the reminder to the viewer. The examiner notes that Schein meets the remaining limitations of the claim in regards to the reminder function being able to be actuated only if the viewer receives the EPG data in order for a selection to be made by the viewer. Schein simply fails to disclose displaying the reminder to the viewer, after the reminder has been set.

Lawler discloses a program reminder system, which displaying a reminder to a user before the program is about to be broadcasted (see Figure 9 and Column 12, Lines 35-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the reminder setting functionality of Schein, to include the reminder display functionality of Lawler, for the purpose of informing the user that a future program will be available shortly (see Column 2, Lines 40-42 of Lawler), therefore

providing a system that allows a user to quickly and easily identify programs for which reminder have been set (see Column 2, Lines 50-51 of Lawler).

Referring to claim 4, Schein discloses all of the limitations in claim 2, and further discloses setting a reminder to view a future television program (see Column 15, Lines 58-66).

Schein also discloses distribution equipment configured to distribute the plurality of continuous data streams to the user television equipment (see the rejection of claim 1 and Column 12, Lines 28-39 for a modulator modulating the blocks onto channels).

Schein also discloses that the interactive program guide is configured to obtain current program guide data for a particular program guide display screen from the continuous data stream that carries program guide data for that particular program guide display screen (see the rejection of claim 1, Figure 16A and Column 12, Lines 47-60 for selecting current or future program guide data blocks that are received from the continuous data stream (carousel) that carries program guide data for that particular program guide display screen (the current or future EPG data block selected by the viewer)).

Referring to claims 9-10, see rejection of claims 3-4, respectively. Note that "one or more of the one or more identifiers is a program grouping identifier" is equivalent to one identifier, therefore analogous to the limitations in claims 3-4.

Referring to claims 59-60 and 65-66, see rejection of claims 3-4 and 9-10, respectively.

Referring to claims 114-115 and 120-121, see rejection of claims 3-4 and 9-10, respectively.

4. Claims 5-6, 11-12, 61-62, 67-68, 116-117 and 122-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Ming et al. (U.S. Patent No. 5,710,815).

Referring to claim 5, Schein discloses ordering a pay-per-view program (see Column 13, Lines 12-13), but fails to disclose the process of authorizing a user to view the program after purchase. Ming discloses authorizing a viewer to receive a program by a code inserted into the data stream (see Column 6, Lines 37-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG, as taught by Schein, to authorize the viewing of a pay-per-view program, as taught by Ming, for the purpose of restricting subscriber access to cable television programming, based upon whether a particular subscriber is a member of a particular, predetermined class of users (see Column 2, Lines 2-5 of Ming).

Claim 6 directly relates to claim 5, with the additional limitation of prefetching current program guide data when the program guide has authorized the pay-per-view program for viewing. Schein discloses receiving program guide data in 3-hour blocks (prefetching data) through the transmission of a digital data stream (see Column 12, Lines 28-32). Therefore, the data could inherently be prefetched or even post-fetched by the system during the display of a reminder.

Referring to claims 11-12, see rejection of claims 5-6, respectively. Note that "one or more of the one or more identifiers is a program grouping identifier" is equivalent to one identifier, therefore analogous to the limitations in claims 5-6.

Referring to claims 61-62 and 67-68, see rejection of claims 5-6 and 11-12, respectively.

Referring to claims 116-117 and 122-123, see rejection of claims 5-6 and 11-12, respectively.

5. Claims 8, 14, 64, 70, 119 and 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Casement et al. (U.S. Patent No. 5,969,748).

Referring to claim 8, Schein discloses performing the real-time action of selecting a parental control option when an identifier is in the data stream (see Figure 19A for the program guide providing the "Parental Controls" option and Column 7, Lines 24-31 for transmitted program guide data to the client). Schein fails to discloses locking a program and prompting a user for a control code. Casement discloses locking a program (Figures 2C-2E) and prompting a user for a control code (Figure 2G).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide, as taught by Schein, to include the parental lock and code prompt, as taught by Casement, for the purpose of preventing a child from watching television programs that have undesirable content.

Referring to claim 14, see the rejection of claim 8 and further note "one or more of the one or more identifiers is a program grouping identifier" is equivalent to one identifier, therefore analogous to the limitations in claim 8.

Referring to claims 64 and 70, see rejection of claims 8 and 14, respectively.

Referring to claims 119 and 125, see rejection of claims 8 and 14, respectively.

6. Claims 16, 72 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Seibert (U.S. Patent No. 6,601,107).

Referring to claim 16, Schein teaches all of the limitations in claim 1, but fails to teach prioritizing program guide data for transmission. Seibert discloses prioritizing EPG data for transmission to multiple clients, using a fuzzy logic approach (see Column 5, Lines 9-17).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide transmission system, as taught by Schein, to utilize the fuzzy logic prioritization scheme for transmitting the program guide data, as taught by Seibert, for the purpose of overcoming the existing problems associated with inefficient bandwidth or other resource allocation, excessive delays and lost information (see Column 2, Lines 8-11 of Seibert).

Referring to claim 72, see rejection of claim 16.

Referring to claim 127, see rejection of claim 16.

7. Claims 41, 44, 50, 96, 99, 105, 152, 155 and 161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Watts et al. (U.S. Patent No. 6,324,694).

Referring to claim 41, Schein discloses an interactive television program guide system in which program guide data is provided (see Column 6, Line 66 through Column 7, Line 9 for receiving program guide data from an EPG provider such as StarSight) and wherein the program guide data includes unique identifiers associated with television programs (see Column 6, Line 66 through Column 7, Line 9 for receiving EPG data, which contains unique identifiers and Figures 4-9 for the different types of EPG data (and unique identifiers, such as title or start time) that can be received).

Schein further discloses that the system comprises a continuous data stream processor configured to select a particular unique identifier (in the EPG data discussed above) associated with television programs (see Column 12, Lines 27-39 for simultaneously transmitting the program guide data (current and future) in blocks on different transmission bands from a cable television headend (Column 12, Lines 61-63) and contains a continuous data stream processor (modulator taught at Column 12, Lines 31-32) used to select the current and future program guide data blocks that are transmitted to the viewer and again note Figures 4-9 for the different types of EPG data that includes a variety of unique identifiers).

Schein further discloses distribution equipment configured to distribute the particular unique identifier to user television equipment in the continuous data stream (see satellite 24 in Figure 1 and headend (Column 12, Lines 61-63) and Column 12,

Lines 38-40 for how the satellite is used for transmitting EPG data (with the unique identifiers) in a carousel or endless loop (continuous data stream)).

Schein further discloses an interactive television program guide implemented on the user television equipment (see Figure 16A for the interactive television program guide and PC TV 402 in Figure 15).

Schein further discloses that the interactive program guide is configured to monitor the continuous data stream for the presence of the particular unique identifier (see Column 12, Lines 47-60 for the viewer accessing a current or future program guide data block and if the viewer navigates to a future time portion of the EPG and waiting until the desired block is received from the carousel). Therefore, if a viewer wishes to access a future program guide block, then the viewer must monitor the channel that will have the transmitted future program guide block (with the various unique identifiers). Further note alternatively, that Schein also teaches

Schein further discloses performing a real-time action associated with the particular television program when the particular unique identifier is detected in the continuous data stream (see Column 15, Lines 58-66 for the user setting a reminder (real-time action) for a program using the interactive program guide, which can only be performed if the viewer receives the unique identifiers (EPG data) that is displayed in the viewer's program guide).

Schein is silent about receiving a unique identifier only when the particular television program is currently being broadcasted and the particular unique identifier indicating when the particular television program is being currently broadcasted. Schein

disclose start times for the programs (see Figure 6) and transmitting the program guide data to the viewer (see Column 12, Lines 16-60), but does not teach the specifics of when exactly the program guide data will be received.

Watts discloses an interactive television system that receives a program guide (see Column 6, Lines 6-30).

Watts further discloses monitoring the continuous data stream for the presence of the particular unique identifier, wherein the particular unique identifier is distributed when the particular television program is being currently broadcasted (see Column 7, Lines 30-38).

Watts further discloses performing a real-time action associated with the particular television program when the particular unique identifier is detected in the continuous data stream (Column 7, Lines 38-44).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the continuous data stream transmitted to the viewer, as taught by Schein, to include the unique identifiers, as taught by Watts, for the purpose of providing subsidiary data (such as a pop-up window or PIP) synchronous to primary data (the television program) (see Column 1, Lines 18-20 of Watts).

Referring to claim 44, again note that Watts teachings displaying additional supplemental content according to incoming unique identifiers (see the rejection of claim 41).

Schein further discloses that supplemental content can be in the form of a password window, used to authorize the viewing of a pay-per-view television program (see Figure 18C).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the displayed supplemental content according to unique identifier tags, as taught by Watts, to include the password authorization window, as taught by Schein, for the purpose of allowing a viewer to retrieve, search, select and interact with information located in a remote database (see Column 2, Lines 22-24 of Schein).

Referring to claim 50, see the rejection of claim 44, and further note that Watts discloses that the tag is transmitted with a particular program, therefore if a tag is transmitted with a news program that airs everyday on channel 5, then the tag identifies a group consisting of program that are in the group of channel 5 news programs that are aired daily. Therefore, Watts clearly teaches that the unique identifier is a program grouping identifier.

Referring to claims 96 and 152, see the rejection of claim 41.

Referring to claims 99 and 155, see the rejection of claim 44.

Referring to claims 105 and 161, see the rejection of claim 50.

8. Claims 42, 48, 97, 103, 153 and 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Watts et al. (U.S. Patent No. 6,324,694) in view of Lawler et al. (U.S. Patent No. 5,699,107).

Referring to claim 42, Schein and Watts discloses all of the limitations in claim 41, as well as Schein setting a reminder to view a future television program (see Column 15, Lines 58-66), but fails to teaches the actual display of the reminder to the viewer. The examiner notes that Schein meets the remaining limitations of the claim in regards to the reminder function being able to be actuated only if the viewer receives the EPG data in order for a selection to be made by the viewer. Schein simply fails to disclose displaying the reminder to the viewer, after the reminder has been set.

Lawler discloses a program reminder system, which displaying a reminder to a user before the program is about to be broadcasted (see Figure 9 and Column 12, Lines 35-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the reminder setting functionality of Schein and Watts, to include the reminder display functionality of Lawler, for the purpose of informing the user that a future program will be available shortly (see Column 2, Lines 40-42 of Lawler), therefore providing a system that allows a user to quickly and easily identify programs for which reminder have been set (see Column 2, Lines 50-51 of Lawler).

Referring to claim 48, see the rejection of claim 42, and further note that Watts discloses that the tag is transmitted with a particular program, therefore if a tag is transmitted with a news program that airs everyday on channel 5, then the tag identifies a group consisting of program that are in the group of channel 5 news programs that are aired daily. Therefore, Watts clearly teaches that the unique identifier is a program grouping identifier.

9. Claims 46, 52, 101, 107, 157 and 163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Watts et al. (U.S. Patent No. 6,324,694) in further view of Woo (U.S. Patent No. 5,485,219).

Referring to claim 46, Schein and Watts discloses all of the limitations in claim 41, but fail to teach that the real-time action comprises recording the particular television program.

Woo discloses a system for transmitting (through a broadcast) ON and OFF recording commands at the time the program (or commercials within a program) is being broadcasted (see Column 1, Lines 51-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the unique identifiers, as taught by Schein and Watts, using the ON and OFF recording commands, for the purpose of allowing a user to simply select desired programming for recording and identify the recording to be recorded without commercials (see Column 2, Lines 23-25 of Woo).

Referring to claim 52, see the rejection of claim 46, and further note that Watts discloses that the tag is transmitted with a particular program, therefore if a tag is transmitted with a news program that airs everyday on channel 5, then the tag identifies a group consisting of program that are in the group of channel 5 news programs that are aired daily. Therefore, Watts clearly teaches that the unique identifier is a program grouping identifier.

10. Claims 47, 53, 102, 108, 158 and 164 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Watts et al. (U.S. Patent No. 6,324,694) in further view of Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 47, Schein and Watts discloses all of the limitations in claim 41, as well as Schein teaching prompting a user for a control code (see the rejection of claim 44), but fail to teach that the real-time action comprises locking the particular television program.

Block discloses transmitting TIL codes from a broadcaster that allow the client device to lock certain portions of television programs from the viewer as the program is currently being broadcast (see Column 21, Lines 23 through Column 22, Line 24).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the unique identifiers, as taught by Schein and Watts, using the TIL information used to lock out a specific television program or portion thereof, as taught by Block, for the purpose of providing an information labeling and control process where a substitute program signal is presented to a user instead of the offensive or undesirable portions of a program (see Column 2, Lines 19-22 of Block).

Referring to claim 53, see the rejection of claim 47 and note that Watts discloses that the tag is transmitted with a particular program, therefore if a tag is transmitted with a news program that airs everyday on channel 5, then the tag identifies a group consisting of program that are in the group of channel 5 news programs that are aired daily. Therefore, Watts clearly teaches that the unique identifier is a program grouping identifier.

Allowable Subject Matter

11. Claims 43, 45, 49, 51, 98, 100, 104, 106, 154, 156, 160 and 162 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

June 2, 2006